

ARGUMENTS/REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application, and for the personal interview conducted on December 22, 2003. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

Claims 1-25 are pending in this application. Claims 1-8 and 19-25 remain in this application. Claims 9-18 have been canceled. Applicant retains the right to present the canceled claims in a divisional application. Claims 26-31 have been added.

The Examiner objects to the use of the term "suitable process" in claims 1-8 and 19-25. Although applicant disputes that this term is "not clear" as asserted by the Examiner, the term "suitable" has been removed from the claims, making the objection moot.

Claim 1-8 were rejected under 35 U.S.C. §102(b) as being anticipated by Rahim (EP 0 881 625 A2). For the following reasons, the rejection is respectfully traversed.

Claim 1 has been amended to recite an identification of a momentary acoustic scene by "mapping the extracted characteristics to specific individual sound sources". As discussed at the personal interview, Rahim does not suggest any "mapping" to sound sources, because Rahim is concerned only with, and presumes, a single sound source: speech, and thus Rahim does not *map* to sound sources. As discussed at the interview, throughout the Rahim reference, there is always a presumption that the sound source is an utterance, or speech, formed into a speech signal. Thus, there is no need to identify sound sources or map to sound sources. Instead, Rahim is concerned with variations in *speech* due to gender, dialect, etc. (see col. 2, lines 30-39). Rahim's acoustic environment is one that is concerned only with speech signals, and presumes that speech is available because that alone is what Rahim analyzes. Thus, claim 1 is patentable over the reference because the reference does not suggest any "mapping" to individual "sound sources" as recited in the claim.

Claims 2-8, which depend on claim 1, directly or indirectly, are thus patentable over the reference for the same reasons as claim 1, as well as for the limitations contained therein.

Claims 19-25 are patentable over the reference for the same reasons discussed above, as well as for the limitations contained therein. In particular, claim 19 recites the step of "executing said selected process to generate a processed *acoustic* signal", which is not taught by the reference. Instead, Rahim generates *text*, not an acoustic signal. Further, claim 23 recites the step of "processing said acoustic signal to generate a hearing signal for improving the hearing ability of a user" and claim 25 recites that said suitable process is "chosen from a plurality of available processes for improving the hearing ability of a user", neither of which are suggested by the reference. Similarly, claims 20 and 25 recite the step of "analyzing the acoustic structure of the acoustic signal for identifying tonal signals in acoustical signals generated by speech and tonal signals generated by music". The reference does not suggest identifying tonal signals in acoustical signals generated by music. In addition, claims 24 and 25 recite the step of "generating an audio signal from said processed acoustic signal for transmission to" a user, which is not suggested by the reference.

New claim 26 recites a step of identifying "the momentary acoustic scene on the basis of the characteristics not limited to speech characteristics". As discussed above, Rahim assumes only speech characteristics. Accordingly, the claim element does not read on Rahim, and thus claim 26 is patentable over the reference. New claims 27-28, which depend on claim 26, are patentable for at least the same reasons.

Finally, new claim 29 recites a step of "selecting and executing a process for execution in a hearing device from a plurality of available processes based on the identified momentary acoustic scene". Rahim has no hearing device, and is instead concerned with speech recognition. Hence, Rahim cannot teach this element of the claim. Claims 30-31, which depend on claim 29, are patentable for at least the same reasons.

Further, new claim 31 contains the same limitation as claim 25, and thus is patentable over the reference for the same reason.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 09/755,412
Amdt. Dated January 5, 2003
Reply to Office action of September 4, 2003

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33234.

Respectfully submitted,

PEARNE & GORDON, LLP

By: 

Robert F. Bodi, Reg. No. 48,540

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

January 5, 2004